



City of Shoreline

Planning & Community Development
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ADOPTION OF PROCEDURES UNDER SMC 20.30.680(E)

RE: SEPA APPEALS AND TYPE C QUASI-JUDICIAL ACTIONS

Open record public hearings for the following Type C quasi-judicial decisions are held before the Planning Commission: Special Use Permits, SCTF – Special Use Permits, and Master Development Plans.¹

The Hearing Examiner has review authority for Critical Areas Special Use Permit and Critical Areas Reasonable Use Permit.² The Hearing Examiner also has interim review authority for Preliminary Formal Subdivisions, Street Vacations, and Site-Specific Rezones and Zoning Map Changes, except for those within the Southeast Shoreline Neighborhoods Subarea or the Town Center Subarea.³

Local governments are not required to provide an administrative appeal for SEPA threshold determinations.⁴ However, if one is provided, the appeal must be consolidated with the open record public hearing on the project permit and both the appeal and the public hearing must be “a single simultaneous hearing before one hearing officer or body.”⁵

SMC 20.30.680(A) provides that SEPA threshold determinations and the conditions or denials of a requested action may be administratively appealed to the Hearing Examiner.

There is an inconsistency between state law, which requires the open record hearing and the appeal of the SEPA threshold determination be heard before one hearing officer or body, and City code, which divides the SEPA appeal authority and the review authority between two hearing bodies (SEPA appeal - Hearing Examiner; open record hearing - Planning Commission). Therefore, pursuant to SMC 20.30.680(E), the Director hereby determines that for those Type C quasi-judicial decisions for which the Planning Commission has review authority, administrative appeals of SEPA threshold determination are not available. Review may be sought before a court of competent jurisdiction under RCW 43.21C.075, in connection with an appeal of the underlying governmental action.

Dated this 8th day of December, 2009.


Joe Tovar
Planning and Development Services Director

¹ SMC 20.30.060

² SMC 20.30.060

³ Ordinance No. 534, effective until December 31, 2009.

⁴ RCW 43.21C.075

⁵ RCW 43.21C.075(3)(b)